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- Attorneys at Law -

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March 5, 2020

The Honorable Norman K. Moon
United States District Judge
255 W. Main Street, Room 304
Charlottesville, VA 22902

Re: Johnson v. Holmes, Civil Action 3:16-cv-00016

Dear Judge Moon:

In accordance with the Court's order of February 4, 2020, this will serve to bring the Court up to date on discovery. Plaintiff's counsel has provided the Court with a copy of his subpoena duces tecum to Albemarle County Police Department and the response that I filed on behalf of the department.

The crime analyst who prepared the original charts is no longer employed by the Albemarle County Police Department. As Mr. Fogel stated, we will provide him with her address so that he may subpoena her to deposition. The County's position is that the Federal Rules of Civil Procedure do not require a third party to litigation to create documents in response to a subpoena. The Rules require production of documents as defined. In my discussion with Mr. Fogel, I advised him that the County recognizes that one alternative could be production of copies of traffic summonses that fit his request. Albemarle County does not maintain traffic summons records in a way that they can be called up by sector. Rather, the Department will review all traffic summonses within the time frame and hand sort them based on sector. The crime analyst who performed the previous analysis in this case did not leave her background work that supports the numbers on the chart. In other words, she did not create a file that contains all of the documents that are represented in the exhibits.

Please let me know if you have any questions.

Very truly yours,

GUYNN, WADDELL, CARROLL & LOCKABY, P.C.

A handwritten signature in black ink, appearing to read 'JHG', is written over a horizontal line.

Jim H. Guynn, Jr.

JHG/lisu

cc: Jeffrey E. Fogel, Esq. (via e-filing)